

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMAL GARDNER,

Petitioner,

V.

WARDEN, FEDERAL DETENTION
CENTER, SEATAC,

Respondent.

CASE NO. 2:24-cv-01413-JCC-GJL

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge Grady J. Leupold, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's federal habeas Petition (Dkt. 1) is construed as a Motion for sentence modification (compassionate release) under 18 U.S.C. § 3582(c)(1) and shall be filed in the matter *United States v. Gardner*, No. 2:21-cr-00191-RAJ-1 (W.D. Wash. 2021) (Jones, J.).
- (3) Petitioner's federal habeas Petition (Dkt. 1) is dismissed without prejudice.
- (4) The Clerk is directed to send copies of this Order to Petitioner and to the Hon. Grady J. Leupold.

DATED this 23rd day of October, 2024.

Joh C. Carpenter

JOHN C. COUGHENOUR
United States District Judge